

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COMMISSIONER OF TRANSPORTATION

In the Matter of Crane Creek
Construction, Inc.
State Contract Number S00064

SECOND PREHEARING ORDER

This matter is before the Administrative Law Judge on the request of the Department of Transportation to continue the hearing and to schedule a prehearing conference because of Respondent's failure to provide discovery. The status of Respondent's representation by counsel is in question because counsel recently retained to represent Respondent has even more recently been appointed Commissioner of Labor and Industry.

Based upon the documents in the file and the statements of counsel, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED that:

1. Respondent shall provide the discovery responses due to the Department of Transportation no later than February 6, 2003.
2. The hearing previously scheduled to commence February 12, 2003, is continued indefinitely and will be reset at a prehearing conference to be held that day instead of the hearing.
3. The prehearing conference will be held on February 12, 2003, at 2:00 p.m. at the Department of Transportation District Office, 1010 – 21st Avenue NW, Owatonna, Minnesota.
4. The Department of Transportation has indicated that it may seek sanctions in this matter. Failure to comply with an order of an administrative law judge may be grounds for sanctions, including default.

Dated this 31st day of January, 2003

S/Steve M. Mihalchick
STEVE M. MIHALCHICK
Administrative Law Judge